

## **Chapter 5.08**

### **AUCTIONS AND AUCTIONEERS**

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#### **5.08.010 Auctioneer Defined.**

An auctioneer is anyone who sells goods at public auction for another or for himself or herself. Any person who sells his or her own goods at public auction, or private auction, is an auctioneer within the meaning of this chapter. (Ord. 15456 §1; March 5, 1990: P.C. §5.18.010: Ord. 3489 §31-101; July 6, 1936).

#### **5.08.020 Permit Required; Occupation Tax.**

Any person may become an auctioneer to sell real or personal property at auction by procuring a permit therefor upon application made to the City Clerk on a form as prescribed by the Clerk. Auctioneers shall be required to pay an occupation tax of fifty dollars per year or fifteen dollars for three months or any fractional part thereof. No permit hereunder shall be issued for less than three months. (Ord. 15456 §2; March 5, 1990: P.C. §5.18.020: Ord. 3489 §31-102; July 6, 1936).

#### **5.08.025 Permit; Expiration.**

Annual permits granted under the provisions of this chapter shall expire on the thirty-first day of May following the date of their issuance. (Ord. 18008 §1; June 10, 2002).

#### **5.08.030 Permit; Exemption.**

No person other than an auctioneer permitted under this chapter shall sell at public or private auction, except under and by virtue of legal process or under and by virtue of mortgage. (Ord. 15456 §3; March 5, 1990: P.C. §5.18.030: Ord. 3489 §31-103; July 6, 1936).

#### **5.08.040 Auctioneer to Designate Partners and Clerks.**

Every person permitted as an auctioneer shall file with the City Clerk a statement in writing, signed by such permittee, designating partners, if any, and assistants, if any. Upon the change of partnership or clerk, such person shall file a written statement with the City Clerk setting forth such change; and if any auctioneer shall permit any other person other than such copartner to sell at an auction any article it shall be deemed a violation of this chapter, and such person so offending shall be subject to the penalty hereinafter provided. (Ord. 15456 §4; March 5, 1990: P.C. §5.18.040: Ord. 3489 §31-104; July 6, 1936).

#### **5.08.050 Penalty.**

If any auctioneer, partner, or clerk designated as an assistant of such auctioneer shall violate any of the provisions of this chapter, such auctioneer, partner, or clerk shall be in violation of this chapter and in addition to any penalty imposed, the City Council may also revoke the permit of such auctioneer for such offense. (Ord. 15456 §5; March 5, 1990: P.C. §5.18.050: Ord. 3489 §31-105; July 6, 1936).

#### **5.08.060 Fraud and Substitution.**

It shall be unlawful for any auctioneer to exhibit and offer for sale at auction any articles, and induce its purchase by any bidder, to substitute any article in lieu of that offered and purchased by the bidder. (Ord. 15456 §6; March 5, 1990: P.C. §5.18.060: Ord. 3489 §31-106; July 6, 1936).

#### **5.08.070 Misrepresentation of Property.**

It shall be unlawful for any auctioneer, or any person being present when any real or personal property is offered for sale, to knowingly, with intent to induce any person or persons to purchase the same, or any part thereof, make any false representations or statements as to the ownership of, or the character or quality of the property so offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such property. If such false representations are made by any other person with such auctioneer's knowledge or connivance, such auctioneer shall also be deemed a violator of the provisions of this chapter. (Ord. 15456 §7; March 5, 1990: P.C. §5.18.070: Ord. 3489 §31-107; July 6, 1936).

#### **5.08.080 Auctioneer to State Terms and Conditions of Sale.**

It shall be the duty of every auctioneer, before beginning any auction sale of real or personal property, to state fully the terms and conditions upon which the sale or sales will be made, and it shall be unlawful for any such auctioneer to fail to do so. (Ord. 15456 §8; March 5, 1990: P.C. §5.18.080: Ord. 3489 §31-108; July 6, 1936).

#### **5.08.090 Auctioneer to Fully Describe Property Prior to Sale.**

It shall be the duty of every auctioneer who shall offer for sale real or personal property of any kind whatever to announce to persons present, before proceeding to sell each part or parcel thereof, the character, quality, and description of the property offered for sale. (Ord. 15456 §9; March 5, 1990: P.C. §5.18.090: Ord. 3489 §31-109; July 6, 1936).

#### **5.08.100 Fictitious Bidding Prohibited.**

Any auctioneer who shall procure any person to make a fictitious bid at any auction sale on real or personal property, or who shall conspire with any person or persons to make a fictitious bid at any such auction sale, or any auctioneer who shall him or herself fictitiously raise any bid at any such auction sale shall be deemed a violator of this chapter. (Ord. 15456 §10; March 5, 1990: P.C. §5.18.100: Ord. 3489 §31-110; July 6, 1936).

#### **5.08.110 Auctioneer to Report Sales on Personal Property to Tax Collector.**

It shall be unlawful for any auctioneer to sell or offer for sale any personal property without first having filed with the tax collector, at least twenty-four hours before the time of holding said sale, a written report giving the time, place, owner, and description of all personal property to be sold at said public auction; and should the tax collector ascertain that the owner of said property owes delinquent personal taxes, or that delinquent personal taxes are a lien against said property, the auctioneer shall not sell said property until the taxes are paid. (Ord. 15456 §11; March 5, 1990: P.C. §5.18.110: Ord. 3489 §31-111; July 6, 1936).

#### **5.08.120 Auction Sales in Streets Prohibited.**

No real or personal property shall be sold at auction, or exposed for sale by any auctioneer in any street, avenue, alley, or public place within the city. (Ord. 15456 §12; March 5, 1990: P.C. §5.18.120: Ord. 3489 §31-112; July 6, 1936).

#### **5.08.130 Auctioneer; Bond Required; Amount.**

It shall be unlawful for any person to conduct an auction house or place at which such person regularly sells at auction goods, wares, and merchandise owned by him or her or goods, ware, and merchandise brought to him or her by others to be sold on commission, and/or bring into the city any stock of goods, wares, or merchandise for sale at auction without first having executed a bond to the city, approved by the City Council, in the sum of \$500.00, conditioned on the faithful observance of the ordinances of the city, and upon a proper accounting to the parties lawfully interested therein for all monies and proceeds derived from such sales at auction made by him or her, and further conditioned for the payment to any person of any damages such person may suffer by reason of any false statements or representations made by the auctioneer conducting such auction sale at the time of the sale of any article. Such bond may be sued upon by any person injured by any false statements or representations of said auctioneer or by any person to whom the auctioneer shall fail to promptly pay over any monies to which such person may be entitled. (Ord. 15456 §13; March 5, 1990: P.C. §5.18.130: Ord. 3489 §31-113; July 6, 1936).